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14 || Attorneys for Defendant:
CARLOS E. KEPKE

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

19 UNITED STATES OF AMERICA,
20 Plaintiff,
21 v.
22 CARLOS E. KEPKE,
23 Defendant.

Case No. 3:21-CR-00155-JD

**JOINT PROPOSED JURY SCREENING
QUESTIONNAIRE**

Courtroom: 11, 19th Floor
Judge: Hon. James Donato

1 In anticipation of the Jury Screening Questionnaire the parties jointly propose utilizing the
2 following Jury Screening Questionnaire, which the Court offered in *United States v. Dahryl*
3 *Lamont Reynolds*, 4:18-cr-00158-JD-1, ECF No. 181. Amendments have been made to the
4 *Reynolds* Questionnaire to tailor it to the needs of this case.

5 1. NAME: (Circle one) Mr. / Ms. / Mx. _____

6 2. Age: _____

7 3. Residence: County: _____ City/Town: _____

8 **[Do not provide your address]**

9 4. What is your marital status? (Circle one)

10 Single / Married / Separated / Divorced / Widowed / Live with a partner

11 5. Do you speak, write, or understand English? Yes ____ No ____

12 6. Do you have any physical or mental health conditions (e.g. difficulty hearing, vision problem that is
13 not corrected with glasses/contacts, mental health diagnosis) that would affect your ability to see, hear
14 or understand testimony by witnesses at trial?

15 Yes ____ No ____ If yes, please explain.

16 _____

17 _____

18 _____

19 7. Do you have any of the following medical conditions: chronic lung disease, moderate or severe
20 asthma, a serious heart condition, an immune system deficiency, obesity, diabetes, chronic kidney
21 disease, or liver disease?

22 Yes ____ No ____

1 8. Is there any other reason you believe you are at a higher risk from COVID-19?

2 Yes ____ No ____ If yes, please explain.

3 _____
4 _____
5 _____
6 _____
7 _____
8 _____
9 _____
10 _____
11 _____
12 _____
13 _____
14 _____
15 _____
16 _____
17 _____
18 _____
19 _____
20 _____
21 _____
22 _____
23 _____
24 _____
25 _____
26 _____
27 _____
28 _____

9 9. Is any immediate member of your household at higher risk from COVID-19?

10 Yes ____ No ____ If yes, please explain.

11 _____
12 _____
13 _____
14 _____
15 _____
16 _____
17 _____
18 _____
19 _____
20 _____
21 _____
22 _____
23 _____
24 _____
25 _____
26 _____
27 _____
28 _____

10 10. Have you been tested for COVID-19?

11 Yes ____ No ____ If yes, when was the date of your most recent test? _____

12 11. Did you test positive?

13 Yes ____ No ____

14 12. Have you been diagnosed or treated for COVID-19, or believe you have been exposed to it?

15 Yes ____ No ____ If yes, please explain.

16 _____
17 _____
18 _____
19 _____
20 _____
21 _____
22 _____
23 _____
24 _____
25 _____
26 _____
27 _____
28 _____

1 13. Do you live, or care for, with someone who is currently ill with a confirmed case of COVID-19,
2 or who has been exposed to COVID-19?

3 Yes ____ No ____ If yes, please explain.

4 _____

5 _____

6 _____

7 14. Do you presently have any of the following symptoms?

8 _____ fever or chills

9 _____ cough

10 _____ shortness of breath or difficulty breathing

11 _____ extreme fatigue

12 _____ persistent headache

13 _____ loss of taste or smell

14 _____ sore throat

15 _____ congestion or runny nose

16 _____ nausea or vomiting

17 _____ diarrhea

18

19 15. Do your household members, or anyone with whom you have regular personal contact, currently
20 have any of the above symptoms?

21 Yes ____ No ____ If yes, please explain.

22 _____

23 _____

24 _____

25 _____

26 _____

27

28

1 16. Have you been vaccinated for COVID-19?

2 Yes No If yes, please state the brand name of the vaccine you received, and the date when
3 you got it (list both dates for vaccines that require two shots):

4 _____

5 _____

6 _____

7 _____

9 17. If called to serve as a juror, how will you commute to the courthouse?

10 public transportation

11 personal vehicle

12 car share

13 other (please describe: _____)

15 18. Would you be able and willing to drive to the courthouse if your parking fees were paid for by the
16 Court?

17 Yes No

19 19. If called to serve as a juror, how concerned would you be about getting sick with COVID-19?

20 Not at all

21 Somewhat

22 Concerned

23 Very concerned

1 20. If called to serve as a juror, how comfortable are you being in a room with 20-30 people seated at
2 least six feet apart and wearing masks?

3 Very comfortable

4 Somewhat comfortable

5 Not comfortable

6

7 21. How often do you wear a mask outside your residence?

8 Never

9 Rarely

10 Sometimes

11 Often

12 Always

13

14 22. Are you currently the primary care provider for a child, a person over the age of 65, or an
15 individual with special care needs for whom you would be unable to make alternative care
16 arrangements for 3 – 4 weeks during the hours of 8:00 a.m. to 3:00 p.m.?

17 Yes No If yes, please explain.

18 _____

19 _____

20 _____

21 _____

22 _____

23

24 23. What is your current employment status?

25 Working full-time

26 Unemployed and looking for work

27 Unemployed and not looking for work

28 Working part-time

- 1 Homemaker
- 2 Retired
- 3 Full-time student
- 4 Unable to work due to physical or mental health condition
- 5

6 24. Your employment:

7 **[If you are currently not employed, please describe your most recent prior employment]**

- 8 a. What is (was) your occupation? _____
- 9 b. Name of employer: _____
- 10 c. How long there: _____
- 11 d. Job title and duties: _____
12 _____

13 e. If you have not been at your current job for at least 5 years, please describe what you did prior:
14 _____
15 _____

16 25. What is the highest level of education you completed? _____

17

18 **The next two questions concern your present spouse or partner. If you are widowed, divorced**
19 **or separated, please answer for your former spouse/partner.**

20 26. Spouse/partner current employment status:

- 21 Working full-time
- 22 Unemployed and looking for work
- 23 Unemployed and not looking for work
- 24 Working part-time
- 25 Homemaker
- 26 Retired
- 27 Full-time student
- 28 Unable to work due to physical or mental health condition

1
2 a. Spouse/partner's occupation: _____
3 b. Name of employer: _____
4 c. How long there: _____
5 d. Job title and duties: _____
6
7 e. If unemployed, for how long: _____
8

9 27. If you have children, please state:

10 Sex(es): _____

11 Age(s): _____

12 Highest Education Level(s): _____

13 Occupation(s): _____

14 If unemployed, for how long: _____
15

16 28. Have you, your current spouse/partner, or your child ever served in the military?

17 Yes _____ No _____
18

19 If yes, please identify who, military branch, and years of service:
20 _____
21 _____
22 _____
23 _____
24 _____
25 _____
26 _____
27 _____
28 _____

1 29. Have you or anyone close to you ever been employed by a law enforcement agency?

2 Yes ____ No ____

3

4 If yes, please identify who, name of agency, job duties, and employment dates:

5 _____
6 _____
7 _____
8 _____
9 _____
10 _____

11 30. Have you previously served as a juror?

12 Yes ____ No ____

13

14 If yes, please state:

15 Civil or criminal trial: _____

16 When: _____

17 Name of court: _____

18 Did you reach a verdict? Yes ____ No ____

19

20 31. Is there any reason that your prior jury service would affect your ability to be fair, objective and
impartial to both sides at trial?

21 Yes ____ No ____

22

23 If yes, please explain:

24 _____
25 _____
26 _____
27 _____
28 _____

1 32. Do you have any strong positive or negative views about crimes involving alleged tax evasion?

2

3 Yes ____ No ____

4 If yes, please explain:

5

6

7

8

9 33. Have you or anyone close to you ever been employed by the Internal Revenue Service?

10

11 If yes, please identify who, job duties, and employment dates: _____

12

13

14 34. Have you or anyone close to you received any education or training in criminal law, including any
job-related training?

15

16

17

18

19

20

21

22

23

24

25

26

27

28

If yes, please identify who and the nature of the education or training:

35. Have you or anyone close to you ever been the victim of a crime?

Yes ____ No ____

If yes, please identify who, the crime involved, and where and when it occurred:

1
2
3
4 36. Have you or anyone close to you ever been a plaintiff, defendant, victim, witness, or expert
5 witness in a court proceeding?

6 Yes ____ No ____
7

8 If yes, please identify who, the type of court proceeding, the role (e.g., witness, plaintiff, etc.), the
9 date, and the name of the court:

10 _____
11 _____
12 _____
13 _____
14

15 37. Have you or anyone close to you ever had occasion to contact the United States Attorney's Office,
16 the District Attorney's Office, or the California's Office of the Attorney General?

17
18 Yes ____ No ____
19

20 If yes, please state which office, when and why:

21 _____
22 _____
23 _____

24 38. Have you ever volunteered for or offered to volunteer for any law enforcement agency or
25 prosecutor's office?

26 Yes ____ No ____
27

1 If yes, please state which office, when and why:

2 _____
3 _____
4 _____
5 _____

6 39. This case involves law enforcement officers with the Internal Revenue Services (IRS). You may
7 hear testimony from officers or employees of the IRS. The prosecutors are in the United States
8 Attorney's Office for the Northern District of California (USAO) and the United States Department of
9 Justice ("DOJ").

10

11 Do you have any strong positive or negative views about the IRS, DOJ, or USAO?

12 Yes ____ No ____

13 If yes, please explain:

14 _____
15 _____
16 _____
17 _____

18 40. Have you or anyone close to you ever been arrested for or charged with a crime?

19 Yes ____ No ____

20
21 If yes, please identify who, the type of crime involved, and how the arrest or charge was resolved
22 (e.g., dismissed, plea bargain, conviction, etc.):

23 _____
24 _____
25 _____
26 _____
27 _____
28 _____

1 41. Have you heard or read anything about this case?

2 Yes ____ No ____

3 If yes, please explain:

4 _____
5 _____
6 _____
7 _____

8 42. The Court estimates that the trial in this case will last approximately 3-4 weeks, followed by jury
9 deliberation. Do you have any specific problems of a serious nature that might prevent you from
10 serving as a juror in this case?

11 Yes ____ No ____

12 If yes, please explain:

13 _____
14 _____
15 _____
16 _____
17 _____
18 _____

19 43. Do you know or have you had any contact (personal, business, or social) with, or read or heard
20 anything about:

21 _____ The Hon. James Donato, the judge in this case, or any member of his chambers

22 _____ The United States Attorney for the Northern District of California

23 _____ Boris Bourget, Corey Smith, and Michael Pitman, the prosecutors

24 _____ Anyone else who works in the United States Attorney's Office

25 _____ Defendant Carlos Kepke or his family

26 _____ David Callaway, Grant Fondo, Richard Strassberg, and , Sylvia Ewald the defense attorneys

27 _____

28 _____

1 If yes, please list whom you know or have had contact with, and how you know that person:

2 _____
3 _____
4 _____
5 _____
6 _____

7 44. The Court will require social distancing, use of personal protective equipment, and other
8 procedures to minimize potential exposure to COVID-19 in the courtroom. Even with these
9 precautions, do you have **ANY** concerns related to COVID-19 that would affect your ability to pay
10 attention and fully concentrate on the evidence in this case?

11 Yes ____ No ____
12

13 If yes, please explain:

14 _____
15 _____
16 _____
17 _____
18 _____
19

20 45. If you answered Yes to Question 43, do you feel you can set aside your concerns about
21 COVID-19 and focus your attention on listening to the evidence and deliberating with other jurors?

22 Yes ____ No ____
23

24 46. Are you willing and able to follow all of the Court's procedures to minimize potential exposure to
25 COVID-19?

26 Yes ____ No ____
27

1 47. Is there any issue or concern not covered by this questionnaire that you believe might affect your
2 ability to be a fair and impartial juror?

3 Yes ____ No ____

4 If yes, please explain:

5 _____
6 _____
7 _____
8 _____
9 _____
10 _____

11 48. What newspapers, internet news websites, or blogs do you read? How often do you read them?

12 What sections of these sources do you like best? _____

13 _____
14 _____

15 49. Is there anything you'd like the judge in this case to know that might impact your ability to be fair
16 and impartial?

17 If yes, please explain: _____

18 _____
19 _____
20 _____
21 _____
22 _____
23 _____
24 _____
25 _____
26 _____
27 _____
28 _____

1 **JUROR'S OATH**

2 I declare under penalty of perjury of the laws of the United States that the answers I stated above are
3 true and correct to the best of my knowledge and belief. I have not discussed my answers with others,
4 or received assistance in completing this questionnaire.

5 Signature: _____

6 Print Name: _____

7 Date:

8
9
10
11
12 Dated: November 10, 2022

Respectfully submitted,

13 By: /s/ Grant P. Fondo
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